

IT IS DOMESTIC VIOLENCE IF YOUR CURRENT OR PREVIOUS PARTNER...

- makes you feel trapped in the relationship;
- withdraws love, money, approval or sex to punish you;
- threatens to "out" you if you are a lesbian eg at work or in family law proceedings;
- ridicules or belittles your identity as a bisexual;
- slaps, restrains, uses a weapon against you or throws things at you;
- denies your contribution or rights to joint assets;
- is jealous and possessive;
- tries to prevent you from practising your spiritual or religious beliefs;
- forces you to have sex with him/her or others;
- frightens you by smashing objects or destroying your property;
- threatens to have you deported;
- threatens to report you to Centrelink or the Department of Immigration;
- ridicules your language skills or cultural practices;
- threatens to expose information about you that could be hurtful;
- uses contact with the children to harrass you;
- occasionally apologises for being hurtful or demanding, but continues the same behaviour.
- takes your money away from you or threatens that your money will be taken away from you;
- threatens or boasts that they are going to be with someone else sexually;
- ridicules you because of any disability, illness or impairment that you have;
- forces you to make changes to a Will or other legal document in favour of friends or family members;
- forces you to make someone your power of attorney or enduring power of attorney;
- denies your right to access personal funds - a family member may take control of your finances or banking, while you are capable of maintaining your affairs;
- threatens you by saying - "Do what I say or I'll put you in a nursing home";
- gives you the incorrect amount of medication, for instance, you may be over-sedated in the middle of the day;
- does not provide you with necessary aids such as hearing aids, spectacles, walking frame, or dentures.

WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SERVICE

Women's Legal Aid Qld

This is a free and confidential service in the Brisbane Magistrates Court. It aims to provide support and assistance to women and their children who are affected by domestic/family violence and related issues. The service also facilitates women's access to the justice system.

CONTACT DETAILS

Women's DV Court Assistance Service

Telephone: 07 3238 3562 or 3247 5437
Fax : 07 3238 3927

Legal Aid Queensland

44 Herschel Street, Brisbane

GPO Box 2449
Brisbane Qld 4001

Brisbane Magistrates Court

3rd Floor, 179 North Quay, Brisbane

FOR URGENT ASSISTANCE CONTACT THE LEGAL AID CLIENT INFORMATION CENTRE ON 1300 65 11 88.

FREE TTY AND TIS INTERPRETERS CAN BE MADE AVAILABLE IF REQUIRED.

SOMEONE WHO IS ABUSIVE IS CHOOSING TO USE ABUSIVE, MANIPULATIVE OR CONTROLLING BEHAVIOUR.

YOU HAVE A RIGHT TO FEEL SAFE.



This service is funded by the Department of Communities.

WHERE TO GET HELP

Emergency and Crisis

Police	000
Domestic Violence line	1800 811 811
Immigrant Women's Support Service	
• Domestic Violence Service	3846 3490
• Sexual Assault Service	3846 5400
Lifeline	13 11 14
Sexual Assault Helpline	1800 010 120

Legal Assistance

Legal Aid Queensland	1300 65 11 88
ATSIWLAS	3392 3177
Women's Legal Service	3392 0670
Family Court Inquiries	3248 2200
Welfare Rights Association	3847 5532

Magistrates Court

General Inquiries	3247 5598
Domestic Violence Clerk	3247 4612

Police Prosecutions

Brisbane	3234 2222
----------	-----------

Counselling Help

Brisbane Domestic Violence Advocacy Service	3217 2544
Gay and Lesbian Welfare Association	3252 2997

Interpreter Services

Translating and Interpreting Service	131 450
--------------------------------------	---------

1300 65 11 88

"to enhance access to justice in Queensland"

www.legalaid.qld.gov.au

Women's Legal Aid would like to acknowledge Legal Aid Queensland for providing funds to produce this brochure.



Help in Court... for Women



If you are appearing in court to protect yourself or your children from domestic violence, you don't have to do it alone.

Women's Domestic Violence Court Assistance Service can help.



COURT ASSISTANCE

The Women's Domestic Violence Court Assistance Service offers legal information and support to women dealing with domestic violence issues.

The Court Assistance worker can assist you by:

- providing free short term counselling to help you to make decisions and to consider your options;
- explaining the process involved in applying for a Domestic Violence Protection Order and court process;
- helping you to complete a Domestic Violence Protection Order application;
- assisting you to vary/revoke a Domestic Violence Protection Order;
- assisting you to register in an interstate Protection Order;
- supporting you in court before, during and after your matter has been heard, in all issues related to the domestic violence application;
- helping you to report breaches of existing domestic violence orders to police;
- referring you and your children to any needed service, eg counselling, housing services, refuge accommodation, Centrelink services;
- referring you for legal advice and representation on domestic violence and related legal issues such as family law, immigration, tenancy, care and protection etc.

THE LEGAL DEFINITION OF DOMESTIC VIOLENCE

As defined by the Domestic and Family Violence Protection Act 1989, domestic violence is any of the following acts that a person has committed and/or has threatened to commit against another person:

- a) wilful injury;
- b) wilful damage to the person's property;
- c) intimidation or harassment of the person;
- d) indecent behaviour to the person without consent.

ARE YOU COVERED BY THE LEGISLATION?

The Domestic and Family Violence legislation covers people if any of the following domestic relationships exist between two persons:

- a) a spousal relationship;
- b) an intimate personal relationship;
- c) a family relationship;
- d) an informal care relationship.

a) A spousal relationship involves people:

- who are or have been legally married; or
- are living together or have lived together in a de facto relationship including lesbian and gay relationships; or
- who are the biological parents of a child.

Children, friends, relatives, work colleagues who have been threatened, abused or harassed and who are in need of protection, can be included in the Domestic Violence Protection Order.

A non-spousal relationship covers people who are in:

b) an intimate personal relationship which means a relationship where:

- they are or were engaged to be married or were betrothed or "promised" to another person; or
- they dated each other and their lives are or were enmeshed, which means the actions of one of them affect or affected the actions or life of the other (they do not necessarily need to be having a sexual relationship).

An intimate personal relationship applies to both people in same sex and opposite sex relationships. It can apply to people of any age.

c) A family relationship, where the two persons are 18 years and over and:

- one of them is the relative of the other where they are ordinarily understood to be or to have been connected by blood or marriage.

For some people the concept of a relative may be wider than is ordinarily understood and these types of relatives are also able to apply for a domestic violence protection order.

For example, Aboriginal and Torres Strait Islander communities and some non-English speaking background communities have a wide concept of what a relative is.

d) An informal care relationship, which exists between two people where:

- one person is dependent upon another person who helps them in their activity of daily living.

The carer might be providing care due to the other person's disability, illness or impairment. An example of this type of care is when the carer is assisting on a regular basis with daily needs such as feeding, bathing, shopping. This does not apply to relationships where the carer is being paid a fee but can include relationships where the carer is receiving a pension or allowance from the Commonwealth government for providing the care.

An informal care relationship does not apply if the two parties are a parent and a child.

The legislation allows a police officer, a lawyer, a person authorised in writing or the Adult Guardian or a Power of Attorney to apply for a domestic violence order on behalf of the aggrieved.

As well, there can be more than one respondent named on a domestic violence protection order. For example you may want to apply for an order against several family members who are committing domestic violence against you.

DOMESTIC VIOLENCE IS AGAINST THE LAW

Your current or previous partner's violent behaviour is not your responsibility or your fault. You and your children have a right to be SAFE.

- If you are in danger, call the police on 000.
- If you leave a violent partner, you would not necessarily lose contact with your children or your entitlements regarding the property of the relationship. Seek legal advice soon after you leave your partner.
- No one has the right to abuse you emotionally, physically, financially, sexually or socially. You have the right to be safe.

PLANNING FOR SAFETY

- Contact a Domestic Violence Service for information;
- Maintain contact with a Domestic Violence Service to assess your options and have someone to talk to;
- Consider applying for a Domestic Violence Protection Order;
- Try to talk and find support from friends, family, social workers and doctors;
- If you visit your doctor, ask him/her to document the reasons of your visit;
- Know who to talk to in the women's group;
- Know who to talk to in the community justice group;
- Know who to talk to in the elders group.

IF YOU ARE THINKING OF LEAVING

- Make a list of emergency numbers;
- Arrange a bag with clothes, medications, important documents, house/car keys and cash. Keep the bag in a safe place where it is not easily found;
- Inform your children's teacher/principal who is authorized to pick them up from school;
- Open your own bank account;
- Discuss with your children what to do if you feel threatened;
- Reassure your children by telling them what is happening, although you may not need to discuss all the details with them;
- Let someone you trust know that you are planning to leave and where you are intending to go;
- Find out how you can apply for emergency housing in a refuge/ women's shelter.